



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

April 30, 2012

Naval Facilities Engineering Command, Northwest
1101 Tautog Circle
ATTN: Ms. Christine Stevenson - EIS Project Manager
Silverdale, Washington 98315-1101

Re: U.S. Environmental Protection Agency (EPA) comments on the U.S. Navy (Navy) Trident Support Facilities Explosives Handling Wharf (EHW-2) Final Environmental Impact Statement (FEIS). EPA Project Number: 09-024-DOD

Dear Ms. Stevenson:

The EPA has reviewed the Navy's EHW-2 FEIS and we are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

In our May 17, 2011 letter on the Draft EIS (DEIS) we made several recommendations for the FEIS. To summarize, we recommended that the FEIS:

- consider several alternative design elements for the EHW-2; incorporate findings from the "Test Pile Program NBK Bangor Waterfront";
- more explicitly disclose which impacts to aquatic resources would likely be covered by the Army Corps of Engineers permits;
- more explicitly differentiate between which impacts would be reduced and which impacts would be compensated for; and,
- include additional information in the Compensatory Aquatic Mitigation section.

In our November 21, 2011 letter on the Draft Supplemental EIS (DSEIS) we made three additional recommendations for the FEIS:

- include facts and analysis supporting the conclusion that no habitat or plant communities (including but not limited to sessile benthic communities) will be altered;
 - more clearly define the degree of alteration of habitat or plant communities which would occur and potentially affect requirements for compensatory mitigation; and,
 - disclose the methods and results of the feasibility analysis for compensatory mitigation sites.
- We also provided a list of Federal "green" requirements.

In our February 27, 2012 letter on the Seattle District U.S. Army Corps of Engineers (a cooperating agency for the EHW-2 project) Public Notice #NWS-2009-572, we provided several additional recommendations for the FEIS. Namely, we recommended that the FEIS:

- provide additional information on how potential permittee specific compensatory mitigation sites/project areas were screened (all sites reviewed, compensatory mitigation opportunity at the site, factors or criteria for why the sites were eliminated or not); and,
- include a more complete characterization of impacts to all marine and nearshore resources, ecological processes, and functions that would be impacted from the wharf structure and its operation. Issues of interest are as follows.
 - deep marine water processes affected by changes to bottom habitat that will result from the collective footprint of pilings;
 - effects of pilings on wave pattern and sediment transport and deposition between pilings;
 - changes to marine aquatic resources, natural ecological processes, structures, and functions and species dependent upon them in “deep water”;
 - losses of benthic organisms and impacts to geoduck beds;
 - losses of nearshore and shoreline habitats and processes that need to be replaced or compensated.

At this point in the process, the numerous changes and additions contained within the FEIS are responsive to our NEPA related informational recommendations. We commend you for your substantial efforts to account for the EPA’s, other agencies’, and the public’s comments, concerns and recommendations.

As a member of the Inter-agency Review Team (IRT), and through our sister-agency role working with the Corps’ on implementing the Joint Agency Rule on Compensatory Mitigation (2008),¹ we look forward to continued engagement with the Corps and Navy to resolve outstanding issues related to the Corps’ permit for the EHW-2 project, including adequate compensatory mitigation.

Our primary current concerns relate to continuing needs to (i) complete any additional impact assessment required by the Corps for their permitting process; and, (ii) fully address the comments the Corps received on the Public Notice, including issues around the adequacy of the compensatory mitigation as proposed at Shine Tidelands and Dabob Bay.

We also continue to have concerns about the proposed compensatory mitigation at Shine Tidelands and Dabob Bay because these projects together do not adequately compensate for the aquatic resource losses of the EHW-2 project. Our current mitigation site and In-Lieu-Fee Program comments, concerns and recommendations include the following.

Shine Tidelands

- Demonstrate how the proposed work at the Shine Tidelands site will actually compensate for or replace the impacted aquatic resource habitats, ecological processes, structures and functions at the EHW-2 site. Ecology indicates in their April 9, 2012, email to the Navy that it appears the Shine Tidelands project would adequately mitigate for wetland impacts from the EHW-2 project. What remains unclear is how other marine nearshore processes, eelgrass, macroalgae, geoduck, and other ecological processes and functions affected by the EHW-2 project will be mitigated.
- Demonstrate how the proposed restoration project would be self sustaining
- Show whether and how tidal restoration at Shine Tidelands will be designed to mimic similar systems in the region,

¹ http://www.epa.gov/owow/wetlands/pdf/wetlands_mitigation_final_rule_4_10_08.pdf

- Clearly articulate ecological goals and objectives and show how they are tied to the impacts from the EHW-2 project. This nexus needs to be developed further for the site, including monitoring and maintenance plans tied to performance standards, and long term monitoring and maintenance after performance standards are met to ensure protection of the site. (See 2008 Federal Mitigation Rule, p.19597 for required 12 elements of a mitigation plan as well as Ecology Publication #06-06-011a, March 2006, *Wetland Mitigation in Washington State*)
- Address the unresolved issues about design and ecological feasibility that have been raised about the site (e.g., need to address issues around the existing utilities at the site and potential for contamination of the site raised by Ecology).

Dabob Bay

We believe the proposed preservation at this site is inappropriate for mitigation of the EHW-2 impacts. Impacts associated with the EHW-2 site include potential shading of eelgrass and macroalgae, and disturbances associated with the new overwater structures (impacts associated with piling placement, including changes to sediment transport processes, displacement of bottom benthic communities including geoduck habitat, etc.). The Dabob Bay proposal includes only 2.0 acres of eelgrass "protection" For preservation to be accepted as compensatory mitigation, the site proposed as preservation must clearly be at risk (this is not the case at Dabob Bay). Additionally, ratios typically required for preservation and compensatory mitigation are much higher than restoration (for example), because direct losses of aquatic resource habitat and ecological functions are not replaced and no-net-loss is not as easily demonstrated.

Hood Canal Coordinating Council (HCCC) In-Lieu-Fee Program

While EPA supports the HCCC's In-Lieu-Fee (ILF) program, the program instrument has not yet been approved. Presently, it is expected that final details and approval of the ILF program will take place at the end of summer 2012. It will be at least 6 -8 months before a roster of mitigation receiving sites will be available for IRT review. The EPA has a large grant to the HCCC to support the development of the ILF mitigation receiving site roster. However, the IRT will not be able to make an informed decision on whether the ILF program has the potential to adequately compensate (e.g. replace lost habitats and functions) impacts from the EHW-2 project until more information on roster sites is available.

Thank you for this opportunity to provide comments and if you have any questions, please contact myself at (206) 553-1601 or by electronic mail at reichgott.christine@epa.gov, or you may contact Erik Peterson of my staff at (206) 553-6382 or by electronic mail at peterson.erik@epa.gov. For Clean Water Act Section 404 questions please contact Linda Storm at (206) 553-6384 or by electronic mail at storm.linda@epa.gov.

Sincerely,



Christine B. Reichgott, Unit Manager
Environmental Review and Sediment Management Unit